

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

BLACKWATER SECURITY CONSULTING,
LLC, *et al.*,

Plaintiffs,

v.

WESTCHESTER SURPLUS LINES
INSURANCE COMPANY, *et al.*,

Defendants.

Civil Action No. 05-6020 (PBT)

**BLACKWATER'S INITIAL DISCLOSURES PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)**

Plaintiffs Blackwater Security Consulting LLC and Blackwater Lodge & Training Center, Inc. (collectively, "Blackwater") provide the following initial disclosures in compliance with Fed. R. Civ. P. 26(a)(1). These disclosures are based on information reasonably available to Blackwater as of the present date. Blackwater will, as provided in Fed. R. Civ. P. 26(e), modify, supplement, or amend these disclosures as warranted based on discovery and Blackwater's development of its case.

A. Individuals Likely To Have Discoverable Information That Blackwater Will Use To Support Its Claims.

No. Name and Address

Subject(s)

1. Thomas A. Powell

c/o Clifford Higby, Esq.
Bryant & Higby
833 Harrison Avenue
P.O. Box 860
Panama City, FL 32402-0860

The circumstances surrounding the death of decedents as alleged in the *Nordan* Complaint.

<u>No.</u>	<u>Name and Address</u>	<u>Subject(s)</u>
	P: 850.763.1787 F: 850.785.1533	
2.	Justin L. McQuown c/o Ralph J. Caccia, Esq. William C. Crenshaw, Esq. Don R. Berthiaume, Esq. Powell Goldstein, LLP 901 New York Avenue, NW Third Floor Washington, DC 20001-4413 c/o Patricia L. Holland, Esq. Rachel Beaulieu Esposito, Esq. Cranfill, Sumner & Hartzog P.O. Box 27808 Raleigh, NC 27611-7808 P: 919.863.8708; 919.828.5100 F: 919.828.2277	The circumstances surrounding the death of decedents as alleged in the <i>Nordan</i> Complaint.
3.	John Potter c/o Ross & Miner P.C. 327 E. Fireweed Lane, Suite 201 Anchorage, AK 99503 P: 907-276-5307	The circumstances surrounding the death of decedents as alleged in the <i>Nordan</i> Complaint.
4.	Steven Capace Prince Group 1650 Tysons Blvd, Suite 800 McLean, Virginia 22102 (571) 663-9530	The circumstances surrounding Blackwater's communications with its insurers regarding the tender of the <i>Nordan</i> Complaint.
5.	Gary Jackson Blackwater Security Consulting LLC 550 Puddin Ridge Road Moyock, North Carolina 27958	The circumstances surrounding Westchester Surplus Lines Insurance Company's May 18, 2005 correspondence to Blackwater.
6.	Keith Phillips ACE Westchester Specialty Group Claims 500 Colonial Center Parkway, Suite 200 P.O. Box 100008 Rosewell, Georgia (678) 795-4081	The circumstances surrounding the coverage determination of Westchester Surplus Lines Insurance Company with regard to the <i>Nordan</i> Complaint.

<u>No.</u>	<u>Name and Address</u>	<u>Subject(s)</u>
7.	Paul D. Coates Pinto, Coates, Kyre & Brown, PLLC 3203 Brassfield Road Greensboro, North Carolina 27410 (336) 282 8848	The circumstances surrounding Westchester Surplus Lines Insurance Company's May 18, 2005 correspondence to Blackwater.
8.	Joyce Williams Claim Specialist, CNA CNA Plaza, 333 S. Wabash, 13-South Chicago, Illinois 60685 (312) 822-3679	The circumstances surrounding the coverage determination of Continental Insurance Company's, formerly known as Fidelity & Casualty Company of New York ("CNA"), with regard to the <i>Nordan</i> Complaint.
9.	Jeffrey N. Williamson CNA CNA Plaza CNA Surety Corporation 333 South Wabash Avenue; 13-South Chicago, Illinois 60685	The circumstances surrounding the coverage determination of CNA with regard to the <i>Nordan</i> Complaint.
10.	William H. Briggs, Jr. Ross, Dixon & Bell LLP 2001 K Street NW Washington, D.C. 20006 (202) 662-2000	The circumstances surrounding the coverage determination of CNA with regard to Blackwater's claims for coverage, and CNA's agreement to provide coverage under the Workers Compensation coverage part of policy DBA 22 390 1731 that CNA issued to Blackwater.
11.	Jeremy A. Stephanson Wilson, Elser, Moskowitz, Edelman & Dicker LLP 120 North LaSalle Street Chicago, Illinois 60602 (312) 704-0550	The circumstances surrounding Evanston Insurance Company's coverage determination with regard to the <i>Nordan</i> Complaint.
12.	Loren S. Cohen Wilson, Elser, Moskowitz, Edelman & Dicker LLP 120 North LaSalle Street Chicago, Illinois 60602 (312) 704-0550	The circumstances surrounding Evanston Insurance Company's coverage determination with regard to the <i>Nordan</i> Complaint.
13.	Tony Glenn Vice President, Claims Liberty International Underwriters, Inc.	The circumstances surrounding Liberty International Underwriters coverage determination with regard to the <i>Nordan</i>

<u>No.</u>	<u>Name and Address</u>	<u>Subject(s)</u>
	55 Water Street, 18th Floor New York, New York 10041	Complaint.

14. Individuals identified through on-going discovery

B. Copies Of, Or Description By Category And Location Of, All Documents That Blackwater May Use To Support Its Claims.

The following documents and things may be used by Blackwater to support its claims.

To the extent not publicly available electronically or already filed with the Court in this matter, these documents are in the possession of or available to Howard T. Weir, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW, Washington, D.C. 20004 and/or at Blackwater's corporate headquarters.

1. All documents and filings, including exhibits, in the action captioned *Nordan v. Blackwater Security Consulting, LLC*, No. 05-cv-00048 (E.D.N.C.). All of these documents and filings are available to the public via the United States District Court for the Eastern District of North Carolina's electronic filing system. A copy of the docket for that case, as of July 1, 2007, is attached hereto. To the extent that there are future public filings in that matter, Blackwater reserves the right to rely upon those filings to support its claims.

2. All documents and filings, including exhibits, in the action captioned *Blackwater Security Consulting, LLC v. Nordan*, No. 06-cv-00049 (E.D.N.C.). All of these documents and filings are available to the public via the United States District Court for the Eastern District of North Carolina's electronic filing system. A copy of the docket for that case, as of July 1, 2007, is attached hereto. To the extent that there are future public filings in that matter, Blackwater reserves the right to rely upon those filings to support its claims.

3. All documents and filings, including exhibits, in the action captioned *Blackwater Security Consulting, LLC v. Nordan*, No. 07-cv-00175 (E.D.N.C.). All of these documents and filings are available to the public via the United States District Court for the Eastern District of North Carolina's electronic filing system. A copy of the docket for that case, as of July 1, 2007, is attached hereto. To the extent that there are future public filings in that matter, Blackwater reserves the right to rely upon those filings to support its claims.

4. The complaint captioned *Nordan v. Blackwater Security Consulting LLC, et al.*, 05 CVS 000173, originally filed in the Superior Court of North Carolina, Wake County.

5. The agreements entered into between Blackwater and the *Nordan* decedents named in *Nordan v. Blackwater Security Consulting LLC, et al.*, 05 CVS 000173, originally filed in the Superior Court of North Carolina, Wake County.

6. An agreement underlying the security mission the *Nordan* decedents were performing at the time of their deaths.

7. Correspondence between Blackwater, or its representatives, and its insurers, Westchester Surplus Lines Insurance Company, CNA, Evanston Insurance Company, and Liberty International Underwriters, or their representatives, regarding insurance coverage for the *Nordan* Complaint.

8. Insurance agreements entered into by Blackwater and defendants Westchester Surplus Lines Insurance Company, CNA, Evanston Insurance Company, and Liberty International Underwriters, respectively.

C. Computation of Damages

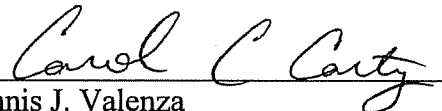
At present, Blackwater has paid and incurred \$3,948,229.68 in unreimbursed costs and fees related to its defense of the allegations of the *Nordan* Complaint and related litigation and

arbitration. And, Blackwater continues to pay and incur such costs as the underlying litigation and arbitration is ongoing. The invoices related to these costs and fees contain information protected by the attorney/client privilege and work product doctrines. Until there is a protective order entered governing the use and disclosure of those invoices, Blackwater exercises its right under Fed. R. Civ. P. 26(a)(1)(C), not to produce such documents for inspection and copying under Fed. R. Civ. P. 34.

D. Insurance Agreements

Blackwater is not presently aware of any insuring agreements, other than those at issue in this action, that may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

Dated: July 16, 2007


Dennis J. Valenza
Carol C. Carty
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, Pennsylvania 19103
215.963.5000
215.963.5001 (facsimile)

Paul A. Zevnik
Howard T. Weir
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
202.739.3000
202.739.3001 (facsimile)

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CLOSED, Jury Trial

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:05-cv-00048-FL**

Nordan, et al v. Blackwater Security, et al
Assigned to: Chief Judge Louise Wood Flanagan
Demand: \$10,000
Case in other court: 05-02033
05-02034
Cause: 28:1441 Notice of Removal

Date Filed: 01/24/2005
Date Terminated: 08/11/2005
Jury Demand: Plaintiff
Nature of Suit: 790 Labor: Other
Jurisdiction: Federal Question

Plaintiff

Richard P. Nordan
*as Ancillary Administrator for the
separate Estates of Stephen S.
Helvenston, Mike R. Teague, Jerko
Gerald Zovko and Wesley J.K. Batalona*

represented by **David F. Kirby**
Kirby & Holt
P. O. Box 31665
Raleigh, NC 27622-2065
919-881-2111
Fax: 919-781-8630
Email: dkirby@kirby-holt.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William B. Bystrynski
Kirby & Holt, LLP
3201 Glenwood Ave., Suite 100
Raleigh, NC 27612
919-881-2111
Fax: 919-781-8630
Email: bbystrynski@kirby-holt.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Estate of Stephen S. Helvenston

represented by **David F. Kirby**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William B. Bystrynski
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Estate of Mike R. Teague

represented by **David F. Kirby**
(See above for address)

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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

William B. Bystrynski
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Estate of Jerko Gerald Zovko

represented by **David F. Kirby**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

William B. Bystrynski
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Estate of Wesley J.K. Batalona

represented by **David F. Kirby**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

William B. Bystrynski
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant

Blackwater Security Consulting, LLC

a Delaware Limited Liability Company

represented by **Kirk G. Warner**
Smith Anderson Blount Dorsett
Mitchell & Jernigan
P. O. Box 2611
Raleigh, NC 27602-2611
919-821-1220
Fax: 821-6800
Email: kwarnersmithlaw.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Mark A. Ash
Smith Anderson Blount Dorsett
Mitchell & Jernigan
2500 Wachovia Capitol Center
Raleigh, NC 27601

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919-821-1220
 Fax: 821-6800
 Email: mash@smithlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Blackwater Lodge & Training
 Center, Inc.**
a Delaware corporation

represented by **Kirk G. Warner**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark A. Ash
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Justin L. McQuown
an individual

represented by **Patricia L. Holland**
 Cranfill Sumner & Hartzog
 P.O. Box 27808
 Raleigh, NC 27611-7808
 919-863-8708
 Fax: 828-2277
 Email: plh@cshlaw.com
LEAD ATTORNEY
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Rachel Beaulieu Esposito
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 Fax: 919-828-2277
 Email: rke@cshlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Thomas Powell
an individual
TERMINATED: 04/12/2005

Date Filed	#	Docket Text
01/24/2005	<u>1</u>	Notice of Removal from Wake Co. Superior Court (05-CVS-000173) - Plaintiff alleges Wrongful Death and Fraudulent Misrepresentation in Contract. (State court pleadings attached including: complaint, summons, motion & order granting motion for pro hac vice, discovery documents)

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		and affidavits) - Asking compensatory and punitive damages and costs. JURY DEMAND by plaintiff. (ll) (Entered: 01/26/2005)
01/24/2005		Filing Fee Paid; FILING FEE \$ 150.00 RECEIPT # 105 20261 (ll) (Entered: 01/26/2005)
01/24/2005	<u>2</u>	Notice of attorney appearance for Blackwater Security, Blackwater Lodge & Training by Fred Fielding, Barbara Van Gelder, Margaret A. Ryan and Scott M. McCaleb of Washington, DC. (ll) (Entered: 01/26/2005)
01/26/2005		(ll) (Entered: 01/26/2005)
01/26/2005	<u>3</u>	Motion by Blackwater Security, Blackwater Lodge & T, Justin L. McQuown, Thomas Powell to dissolve ex parte state court orders permitting notice of deposition. 1c: to Chief Judge Flanagan. (dr) (Entered: 01/27/2005)
01/26/2005	<u>4</u>	Memorandum by Blackwater Security, Blackwater Lodge & T, Justin L. McQuown, Thomas Powell in support of [3-1] to dissolve ex parte state court orders permitting notice of deposition. (dr) (Entered: 01/27/2005)
01/31/2005	<u>5</u>	Motion by Blackwater Security, Blackwater Lodge & Training Center to dismiss to Rule 12(b)(6) & 9(b) of the F.R.C.P. (dr) (Entered: 02/03/2005)
01/31/2005	<u>6</u>	Memorandum by Blackwater Security, Blackwater Lodge & T in support of [5-1] motion to dismiss to Rule 12(b)(6) & 9(b) of the F.R.C.P. w/attachments. (dr) (Entered: 02/03/2005)
02/01/2005	<u>7</u>	Notice of attorney appearance for Justin L. McQuown by Patricia L. Holland, Rachel Beaulieu Esposito (dr) Modified on 02/07/2005 (Entered: 02/07/2005)
02/01/2005	<u>8</u>	Motion by Justin L. McQuown to dismiss pursuant to Rule 12(b)(6) of the F.R.C.P. (dr) (Entered: 02/07/2005)
02/01/2005	<u>9</u>	Memorandum by Justin L. McQuown in support of [8-1] motion to dismiss pursuant to Rule 12(b)(6) of the F.R.C.P. (dr) (Entered: 02/07/2005)
02/03/2005	<u>10</u>	Order denying [3-1] motion to dissolve ex parte state court orders permitting notice of deposition. signed by Chief Judge Louise W. Flanagan. cys dist. (dr) Modified on 02/07/2005 (Entered: 02/03/2005)
02/03/2005	<u>11</u>	Response by Justin L. McQuown to [3-1] motion to dissolve ex parte state court orders permitting notice of deposition. 1c: to Cheif Judge Flanagan. (dr) (Entered: 02/07/2005)
02/11/2005	<u>12</u>	Motion by Richard P. Nordan, Estate of Helvenston, Estate of Teague, Estate of Zovko, Estate of Batalona to remand (dr) (Entered: 02/14/2005)
02/11/2005	<u>13</u>	Memorandum by Richard P. Nordan, Estate of Helvenston, Estate of Teague, Estate of Zovko, Estate of Batalona in support of [12-1] motion to remand. (dr) (Entered: 02/14/2005)

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02/11/2005	<u>14</u>	Affidavit of Marc P. Miles Re: [12-1] motion to remand (dr) (Entered: 02/14/2005)
02/11/2005	<u>15</u>	Notice of attorney appearance pursuant to Local Rule 83.1 for Richard P. Nordan, Estate of Helvenston, Estate of Teague, Estate of Zovko, Estate of Batalona by Daniel J. Callahan, Brian J. McCormack, and Marc P. Miles (dr) (Entered: 02/14/2005)
02/22/2005	<u>16</u>	Memorandum by Richard P. Nordan, Estate of Helvenston, Estate of Teague, Estate of Zovko, Estate of Batalona in opposition to [5-1] motion to dismiss to Rule 12(b)(6) & 9(b) of the F.R.C.P. (dr) (Entered: 02/24/2005)
02/22/2005	<u>17</u>	Document filed by plaintiff Richard P. Nordan, plaintiff Estate of Helvenston, plaintiff Estate of Teague, plaintiff Estate of Zovko, plaintiff Estate of Batalona titled: Plaintiffs Evidentiary Objections to Evidence submitted by Blackwater Defendants in support of their motion to dismiss (dr) (Entered: 02/24/2005)
02/22/2005	<u>18</u>	Affidavit of Marc P. Miles Re: [16-1] opposition memorandum and request for Judicial Notice. (dr) (Entered: 02/24/2005)
02/22/2005	<u>19</u>	Memorandum by Richard P. Nordan, Estate of Helvenston, Estate of Teague, Estate of Zovko, Estate of Batalona in opposition to [8-1] motion to dismiss pursuant to Rule 12(b)(6) of the F.R.C.P. (dr) (Entered: 02/24/2005)
03/07/2005	<u>20</u>	Memorandum by Justin L. McQuown in opposition to [12-1] motion to remand. (dr) (Entered: 03/10/2005)
03/07/2005	<u>21</u>	Memorandum by Blackwater Security, Blackwater Lodge & Training Center in opposition to [12-1] motion to remand w/attachments. (dr) Modified on 03/10/2005 (Entered: 03/10/2005)
03/07/2005	<u>22</u>	Declaration of Keith Flicker Re: [21-1] opposition memorandum (dr) (Entered: 03/10/2005)
03/07/2005	<u>23</u>	Declaration Gary C. Jackson Re: [21-1] opposition memorandum (dr) (Entered: 03/10/2005)
03/07/2005	<u>24</u>	Declaration of David V. Jackson Re: [21-1] opposition memorandum. (dr) (Entered: 03/10/2005)
03/11/2005	<u>25</u>	Reply by Blackwater Security, Blackwater Lodge & T to response to [5-1] motion to dismiss to Rule 12(b)(6) & 9(b) of the F.R.C.P. (dr) (Entered: 03/14/2005)
03/11/2005	<u>26</u>	Reply by Justin L. McQuown to response to [8-1] motion to dismiss pursuant to Rule 12(b)(6) of the F.R.C.P. (dr) (Entered: 03/15/2005)
03/17/2005	<u>27</u>	Document filed by plaintiff Richard P. Nordan, plaintiff Estate of Helvenston, plaintiff Estate of Teague, plaintiff Estate of Zovko, plaintiff Estate of Batalona titled: Plf's evidentiary objections to evidence submitted by Blackwater def's in support of their opposition to the

		motion to remand. (dr) (Entered: 03/24/2005)
03/17/2005	<u>28</u>	Reply by Richard P. Nordan, Estate of Helvenston, Estate of Teague, Estate of Zovko, Estate of Batalona to response to [12-1] motion to remand. (dr) (Entered: 03/24/2005)
03/17/2005	<u>29</u>	Reply by Richard P. Nordan, Estate of Helvenston, Estate of Teague, Estate of Zovko, Estate of Batalona to response to [12-1] motion to remand. (dr) (Entered: 03/24/2005)
03/21/2005	<u>30</u>	Document filed by defendant Blackwater Security, defendant Blackwater Lodge & Training Center titled: Opposition to plf's objections to evidence on the motion to remand. (dr) (Entered: 03/24/2005)
03/24/2005		Motion(s) submitted: [12-1] motion to remand submitted, [8-1] motion to dismiss pursuant to Rule 12(b)(6) of the F.R.C.P. submitted, [5-1] motion to dismiss to Rule 12(b)(6) & 9(b) of the F.R.C.P. submitted to Chief Judge Flanagan for consideration. (dr) (Entered: 03/24/2005)
04/12/2005	<u>31</u>	Notice of voluntary dismissal. NOTICE IS HEREBY GIVEN that pursuant to F.R.C.P. 41(a)(1)(i), Plf voluntarily dismisses the above-captioned action against def. Thomas Powell *ONLY* without prejudice. (dr) (Entered: 04/14/2005)
06/20/2005	<u>32</u>	Document filed by defendant Blackwater Security, defendant Blackwater Lodge & Training titled: Notice of Subsequently Decided Authority and Clarification of Removal Notice. 1c: to Chief Judge Flanagan (dr) (Entered: 06/20/2005)
06/28/2005	<u>33</u>	Response by Richard P. Nordan in opposition to [32-1] Notice of Subsequently Decided Authority and Objection to Clarification of Removal Notice. 1c: Chief Judge Flanagan. (ll) (Entered: 07/01/2005)
07/01/2005	<u>34</u>	Reply by Blackwater Security, Blackwater Lodge & Training to response to plf's objection to def's clarification of removal notice & objection to plf's argument on subsequent authority. (dr) (Entered: 07/06/2005)
07/08/2005		Case file updated & resubmitted to chambers. (dr) (Entered: 07/08/2005)
08/11/2005	<u>35</u>	Order granting [12-1] motion to remand, denying [8-1] motion to dismiss pursuant to Rule 12(b)(6) of the denying [5-1] motion to dismiss to Rule 12(b)(6) & 9(b) of the F.R.C.P. The court GRANTS plf's motion to remand. The court DENIES AS MOOT def's motions to dismiss brought under F.R.C.P. 12(b)(6) and 9(b). This case is hereby REMANDED to the Superior Court of Wake County, North Carolina. The Clerk is DIRECTED to serve a copy of this order on the Clerk of Superior Court of Wake County, North Carolina signed by Chief Judge Louise W. Flanagan, USDJ. cys dist. (dr) (Entered: 08/11/2005)
08/11/2005	<u>36</u>	Judgment for Estate of Batalona, Estate of Zovko, Estate of Teague, Estate of Helvenston, Richard P. Nordan against Justin L. McQuown, Blackwater Lodge & T, Blackwater Security IT IS ORDERED, ADJUDGED and DECREED that the court GRANTS plaintiff's motion to remand, pursuant to 28 U.S.C. 1447(c). Where the court lacks subject

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		matter jurisdiction over this action, the court DENIES AS MOOT defendants' motions to dismiss brought under F.R.C.P. 12(b)(6) and 9(b). This case is hereby REMANDED to the Superior Court of Wake Co. The Clerk is DIRECTED to serve a copy of this order on the Clerk of Superior Court of Wake Co signed by Cheif Judge Louise W. Flanagan, USDJ. cys dist. (dr) (Entered: 08/11/2005)
08/11/2005		Case closed non-perm. (dr) (Entered: 08/11/2005)
08/30/2005	<u>37</u>	Notice of appeal by Blackwater Lodge & T, Blackwater Security (rp) (Entered: 09/09/2005)
08/30/2005		USCA appeal fees received: APPEAL FEE \$ 255.00 RECEIPT # 104 20538 (rp) (Entered: 09/09/2005)
08/31/2005		Notice of appeal & case file forwarded to appeals clerk in Raleigh. (dr) (Entered: 08/31/2005)
09/09/2005		Notice of Appellate Action to USCA and counsel re: [37-1] appeal by Blackwater Security, Blackwater Lodge & T Appeal Pkg. mailed consisting of Dkting Statement, Transm. Sheet and Index (rp) (Entered: 09/09/2005)
09/09/2005	<u>38</u>	Notice of appeal by Justin L. McQuown (rp) (Entered: 09/13/2005)
09/09/2005		USCA appeal fees received: APPEAL FEE \$ 255.00 RECEIPT # 104 20613 (rp) (Entered: 09/13/2005)
09/13/2005		Notice of Appellate Action to USCA and counsel re: [38-1] appeal by Justin L. McQuown Appeal Pkg. mailed consisting of Dkting Statement, Transm. Sheet and Index (rp) (Entered: 09/13/2005)
09/21/2005		Notice of Docketing ROA from USCA Re: [38-1] appeal by Justin L. McQuown USCA NUMBER: 05-2033 Case Manager: Lisa Jernigan (rp) (Entered: 09/21/2005)
09/21/2005		Notice of Docketing ROA from USCA Re: [37-1] appeal by Blackwater Security, Blackwater Lodge & T USCA NUMBER: 05-2034 Case Manager: Lisa Jernigan (rp) (Entered: 09/21/2005)
09/22/2005		Certificate to USCA and counsel re: [38-1] appeal, [37-1] appeal certifying that the record in this case is complete for purposes of the appeal. Cy. to Judge (rp) (Entered: 09/22/2005)
09/28/2005		certificate received at the 4CCA on 9/23/05 (rp) (Entered: 09/28/2005)
09/28/2005	<u>39</u>	Order the court consolidates these cases for purposes of briefing and oral argument signed by Patricia S. Connor. (rp) (Entered: 09/28/2005)
12/21/2005	<u>40</u>	ORDER of USCA as to <u>37</u> Notice of Appeal filed by Blackwater Security Consulting, LLC,, Blackwater Lodge & Training Center, Inc.,, <u>38</u> Notice of Appeal filed by Justin L. McQuown - THE COURT CONSOLIDATES THE ABOVE CASES FOR FURTHER APPELLATE ACTION. (Deputy Clerk, LL) (Entered: 12/21/2005)

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01/31/2006	<u>41</u>	ORDER of USCA as to <u>37</u> Notice of Appeal filed by Blackwater Security Consulting, LLC,, Blackwater Lodge & Training Center, Inc., <u>38</u> Notice of Appeal filed by Justin L. McQuown, - THE COURT GRANTS THE MOTION FOR CONSOLIDATION. (Deputy Clerk, LL) (Entered: 01/31/2006)
08/30/2006	<u>42</u>	Published Opinion from Fourth Circuit Court of Appeals. APPEAL DISMISSED; PETITION FOR WRIT OF MANDAMUS DENIED; MOTION TO STRIKE DENIED AS MOOT. (Deputy Clerk - DR,) (Entered: 08/30/2006)
10/18/2006	<u>43</u>	USCA JUDGMENT as to <u>37</u> Notice of Appeal filed by Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc. <u>38</u> Notice of Appeal filed by Justin L. McQuown. (Deputy Clerk - DR,) (Entered: 10/27/2006)
10/18/2006	<u>44</u>	MANDATE of USCA as to <u>37</u> Notice of Appeal filed by Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc. <u>38</u> Notice of Appeal filed by Justin L. McQuown. (Deputy Clerk - DR,) (Entered: 10/27/2006)
10/18/2006	<u>45</u>	ORDER of USCA on Bill of Costs. (Deputy Clerk - DR,) Modified on 10/27/2006 (Deputy Clerk - DR,). (Entered: 10/27/2006)

PACER Service Center			
Transaction Receipt			
07/04/2007 15:52:33			
PACER Login:	ml0900	Client Code:	
Description:	Docket Report	Search Criteria:	5:05-cv-00048-FL
Billable Pages:	4	Cost:	0.32

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APPEAL, STAYED, USMJ_Webb

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Northern Division)
CIVIL DOCKET FOR CASE #: 2:06-cv-00049-F**

Blackwater Security Consulting, LLC et al v Nordan
Assigned to: Judge James C. Fox
Case in other court: 4th Circuit, 7-1508
Cause: 09:1 U.S. Arbitration Act

Date Filed: 12/20/2006
Jury Demand: None
Nature of Suit: 190 Contract; Other
Jurisdiction: Diversity

Petitioner

Blackwater Security Consulting, LLC

represented by **Kirk G. Warner**
Smith Anderson Blount Dorsett
Mitchell & Jernigan
P. O. Box 2611
Raleigh, NC 27602-2611
919-821-1220
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Email: kwarner@smithlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Mitchell & Jernigan
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919-821-1220
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Email: mash@smithlaw.com
ATTORNEY TO BE NOTICED

Petitioner

**Blackwater Lodge & Training
Center, Inc.**

represented by **Kirk G. Warner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark A. Ash
(See above for address)
ATTORNEY TO BE NOTICED

V.

Respondent

Richard P. Nordan

represented by **David S. Coats**
Bailey & Dixon

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/20/2006	<u>1</u>	COMPLAINT for Petition for Arbitration against Richard P. Nordan (Filing fee \$ 350 receipt number 280513.), filed by Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit C# <u>5</u> Exhibit D# <u>6</u> Errata E# <u>7</u> Exhibit F# <u>8</u> Exhibit G# <u>9</u> Exhibit H# <u>10</u> Exhibit I# <u>11</u> Summons)(Warner, Kirk) (Entered: 12/20/2006)
12/21/2006	<u>2</u>	Summons Issued as to Richard P. Nordan. (Deputy Clerk - JWS,) (Entered: 12/21/2006)
12/21/2006	<u>3</u>	SUMMONS Returned Executed by Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc.. Richard P. Nordan served on 12/21/2006, answer due 1/10/2007. (Warner, Kirk) (Entered: 12/21/2006)
12/21/2006		NOTICE OF DEFICIENCY - Failure to File Financial Disclosure Statement as to Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc.. Pursuant to Fed. R. Civ. P. 7.1 and Local Civil Rule 7.3, all parties must file a corporate affiliate/financial interest disclosure statement. A negative statement is required if a party has no disclosures to make. The disclosure statement must be on a form provided by the clerk. This form is available at the clerks office and on the courts website. (Deputy Clerk - JA,) (Entered: 12/21/2006)
12/21/2006	<u>4</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1. (Warner, Kirk) (Entered: 12/21/2006)
01/10/2007	<u>5</u>	NOTICE of Appearance by William B. Bystrynski on behalf of Richard P. Nordan (Bystrynski, William) (Entered: 01/10/2007)
01/10/2007	<u>6</u>	MOTION to Dismiss by Richard P. Nordan. (Bystrynski, William) Modified on 1/11/2007 to remove the response deadline entered by counsel (Deputy Clerk - SE,). (Entered: 01/10/2007)

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01/10/2007	<u>7</u>	Memorandum in Support re <u>6</u> MOTION to Dismiss <i>or in the Alternative, Motion to Stay</i> filed by Richard P. Nordan. (Bystrynski, William) (Entered: 01/10/2007)
01/10/2007	<u>8</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1. (Bystrynski, William) (Entered: 01/10/2007)
01/10/2007	<u>9</u>	NOTICE by Richard P. Nordan <i>Request for Judicial Notice</i> (Attachments: # <u>1</u> Request for Judicial Notice# <u>2</u> Exhibit B through G to Request for Judicial Notice# <u>3</u> Exhibit H to Request for Judicial Notice) (Bystrynski, William) (Entered: 01/10/2007)
01/10/2007		NOTICE OF CORRECTION re: <u>6</u> Motion to Dismiss. The response deadline entered by counsel will be removed from this entry. Counsel is reminded that they are not to enter any possible response or reply deadlines when e-filing their documents. (Deputy Clerk - SE,) (Entered: 01/11/2007)
01/18/2007	<u>10</u>	REPLY to Response to Motion re <u>6</u> MOTION to Dismiss <i>AND IN FURTHER SUPPORT OF PETITION</i> filed by Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc.. (Attachments: # <u>1</u> Exhibit 1)(Warner, Kirk) (Entered: 01/18/2007)
01/18/2007	<u>11</u>	Declaration re <u>10</u> Reply to Response to Motion <i>TO DISMISS AND IN FURTHER SUPPORT OF PETITION</i> by Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc. filed by Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F)(Warner, Kirk) (Entered: 01/18/2007)
01/23/2007	<u>12</u>	NOTICE of Appearance for non-district counsel Michael P. Socarras Filed by local counsel Kirk G. Warner on behalf of Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc. (Warner, Kirk) (Entered: 01/23/2007)
02/28/2007		***Motions Submitted to Senior Judge James C. Fox: <u>6</u> MOTION to Dismiss (Deputy Clerk - SE,) (Entered: 02/28/2007)
04/20/2007	<u>13</u>	ORDER denying <u>6</u> Motion to Dismiss. Blackwater's petition for order directing arbitration is ALLOWED (DE #1) and the parties are ORDERED to proceed with arbitration; this action is STAYED pending completion of the required arbitration. Signed by Judge James C. Fox on 4/20/2007. CC:counsel. (Deputy Clerk - SE,) (Entered: 04/20/2007)
04/20/2007		Case Stayed pursuant to the court's order at DE #13, pending arbitration. (Deputy Clerk - SE,) (Entered: 04/20/2007)
05/04/2007	<u>14</u>	Emergency MOTION for Reconsideration <i>as Court Lacks Subject Matter Jurisdiction</i> by Richard P. Nordan. (Kirby, David) (Entered: 05/04/2007)
05/04/2007	<u>15</u>	AFFIDAVIT re <u>14</u> Emergency MOTION for Reconsideration <i>as Court</i>

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		<i>Lacks Subject Matter Jurisdiction</i> by Richard P. Nordan. (Attachments: # <u>1</u> Exhibit A, B, C# <u>2</u> Exhibit D, E, F, G, H, I)(Kirby, David) (Entered: 05/04/2007)
05/04/2007	<u>16</u>	Memorandum in Support re <u>14</u> Emergency MOTION for Reconsideration <i>as Court Lacks Subject Matter Jurisdiction</i> filed by Richard P. Nordan. (Kirby, David) (Entered: 05/04/2007)
05/04/2007	<u>17</u>	MOTION to Expedite <i>Hearing/Motion to Shorten Time to Respond</i> by Richard P. Nordan. (Kirby, David) (Entered: 05/04/2007)
05/04/2007	<u>18</u>	Memorandum in Support re <u>17</u> MOTION to Expedite <i>Hearing/Motion to Shorten Time to Respond</i> filed by Richard P. Nordan. (Kirby, David) (Entered: 05/04/2007)
05/04/2007		Motions Submitted to Senior Judge Fox: <u>14</u> Emergency MOTION for Reconsideration <i>as Court Lacks Subject Matter Jurisdiction</i> , <u>17</u> MOTION to Expedite <i>Hearing/Motion to Shorten Time to Respond</i> (Deputy Clerk - SE,) (Entered: 05/04/2007)
05/04/2007	<u>19</u>	NOTICE of Appearance by David S. Coats on behalf of Richard P. Nordan (Coats, David) (Entered: 05/04/2007)
05/04/2007	<u>20</u>	MOTION Relief from Order by Richard P. Nordan. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C - Part 1# <u>4</u> Exhibit C - Part 2# <u>5</u> Exhibit D# <u>6</u> Exhibit E# <u>7</u> Exhibit F)(Coats, David) (Entered: 05/04/2007)
05/04/2007	<u>21</u>	AFFIDAVIT of <i>William B. Bystrynski</i> by Richard P. Nordan. (Coats, David) (Entered: 05/04/2007)
05/04/2007	<u>22</u>	AFFIDAVIT of <i>Richard P. Nordan</i> by Richard P. Nordan. (Coats, David) (Entered: 05/04/2007)
05/04/2007	<u>23</u>	Memorandum in Support of <i>Richard P. Nordan's Motion for Relief from Judgment</i> filed by Richard P. Nordan. (Coats, David) (Entered: 05/04/2007)
05/08/2007	<u>24</u>	ORDER granting in part and denying in part <u>17</u> Motion to Expedite. Petitioners are DIRECTED to respond to Respondent's motion for reconsideration at DE #14 on or before 5/10/07. Signed by Judge James C. Fox on 5/7/2007. CC:counsel. (Deputy Clerk - SE,) (Entered: 05/08/2007)
05/08/2007	<u>25</u>	MOTION for Order to Show Cause and Request for Expedited Consideration by Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc.. (Warner, Kirk) (Entered: 05/08/2007)
05/08/2007	<u>26</u>	Memorandum in Support re <u>25</u> MOTION for Order to Show Cause and Request for Expedited Consideration filed by Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc.. (Attachments: # <u>1</u> Exhibit A Part 1# <u>2</u> Exhibit A Part 2# <u>3</u> Exhibit A Part 3# <u>4</u> Exhibit A Part 4)(Warner, Kirk) (Entered: 05/08/2007)

05/09/2007		Motions Submitted to Senior Judge Fox: <u>25</u> MOTION for Order to Show Cause and Request for Expedited Consideration (Deputy Clerk - SE,) (Entered: 05/09/2007)
05/09/2007		Motions Submitted to Senior Judge Fox: <u>20</u> MOTION Relief from Order (Deputy Clerk - SE,) (Entered: 05/09/2007)
05/10/2007	<u>27</u>	Memorandum in Opposition re <u>14</u> Emergency MOTION for Reconsideration as Court Lacks Subject Matter Jurisdiction filed by Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6 Part 1# <u>7</u> Errata 6 Part 2# <u>8</u> Exhibit 7# <u>9</u> Exhibit 8# <u>10</u> Exhibit 9# <u>11</u> Exhibit 10# <u>12</u> Exhibit 11# <u>13</u> Exhibit 12# <u>14</u> Exhibit 13)(Ash, Mark) (Entered: 05/10/2007)
05/11/2007		Remark, forwarded the petitioners response to motion at DE #27 to Senior Judge Fox for his review and consideration. (Deputy Clerk - SE,) (Entered: 05/11/2007)
05/11/2007	<u>28</u>	ORDER denying <u>14</u> Motion for Reconsideration, denying <u>20</u> Motion for relief from order, denying <u>25</u> Motion for Order to Show Cause. Signed by Judge James C. Fox on 5/11/2007. CC:counsel (Deputy Clerk - SE,) (Entered: 05/11/2007)
05/16/2007	<u>29</u>	NOTICE of Appearance by Mark A. Ash on behalf of Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc. (Ash, Mark) (Entered: 05/16/2007)
05/18/2007	<u>30</u>	NOTICE OF APPEAL by Richard P. Nordan. Filing fee \$ 455, receipt number 366475. (Kirby, David) (Entered: 05/18/2007)
05/18/2007		NOTICE OF CORRECTION re: <u>30</u> Notice of Appeal, this is an interlocutory appeal. Counsel can find that event code under Appeal Documents, Notice of Interlocutory Appeal. (Deputy Clerk - SE,) (Entered: 05/22/2007)
05/22/2007	<u>31</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>30</u> Notice of Appeal (Deputy Clerk - SE,) (Entered: 05/22/2007)
06/13/2007	<u>32</u>	USCA Case Number 7-1508 for <u>30</u> Notice of Appeal filed by Richard P. Nordan. Case Manager assigned Sharon A. Wiley. (Deputy Clerk - SE,) (Entered: 06/13/2007)
06/13/2007	<u>34</u>	CERTIFICATE OF RECORD Transmitted to USCA re <u>30</u> Notice of Appeal (Deputy Clerk - SE,) (Entered: 06/13/2007)

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CLOSED, Jury Trial, USMJ Gates

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:07-cv-00175-F**

Nordan v. Blackwater Lodge & Training Center, Inc. et al
Assigned to: Judge James C. Fox
Demand: \$0
Cause: 28:1331 Fed. Question

Date Filed: 05/14/2007
Date Terminated: 06/13/2007
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Federal Question

Plaintiff

Richard P. Nordan

represented by **David S. Coats**
Bailey & Dixon
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Raleigh, NC 27602
919-828-0731
Fax: 828-6592
Email: dcoats@bdixon.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**Blackwater Lodge & Training
Center, Inc.**

represented by **Kirk G. Warner**
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Mitchell & Jernigan
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ATTORNEY TO BE NOTICED

Defendant

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Blackwater Security Consulting, LLCrepresented by **Kirk G. Warner**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Mark A. Ash**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/14/2007	<u>1</u>	NOTICE OF REMOVAL by Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC from Wake Superior, case number 07CVS7061. (Filing fee \$ 350 receipt number 363049), filed by Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3 Part 1# <u>4</u> Exhibit 3 Part 2# <u>5</u> Exhibit 3 Part 3# <u>6</u> Exhibit 3 Part 4# <u>7</u> Exhibit 3 Part 5# <u>8</u> Exhibit 4)(Warner, Kirk) (Entered: 05/14/2007)
05/14/2007	<u>2</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1. (Warner, Kirk) (Entered: 05/14/2007)
05/14/2007	<u>3</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1. (Warner, Kirk) (Entered: 05/14/2007)
05/14/2007	<u>4</u>	NOTICE by Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC re <u>1</u> Notice of Removal,, <i>Civil Coversheet</i> (Warner, Kirk) (Entered: 05/14/2007)
05/16/2007	<u>5</u>	NOTICE of Appearance by Mark A. Ash on behalf of Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC (Ash, Mark) (Entered: 05/16/2007)
05/17/2007	<u>6</u>	NOTICE of Appearance for non-district counsel Michael P. Socarras Filed by local counsel Mark A. Ash on behalf of Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC (Ash, Mark) (Entered: 05/17/2007)
05/18/2007	<u>7</u>	MOTION for Temporary Restraining Order <i>and Preliminary Injunction and Memorandum in Support</i> by Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Text of Proposed Order)(Warner, Kirk) (Entered: 05/18/2007)
05/18/2007		Motions Submitted to Senior Judge Fox: <u>7</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction and Memorandum in Support</i> (Deputy Clerk - SE,) (Entered: 05/18/2007)
05/18/2007	<u>8</u>	ORDER Setting Hearing on Motion <u>7</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction and Memorandum in</i>

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		<i>Support:</i> Motion Hearing set for 5/24/2007 10:00 AM in Wilmington - Courtroom 1 before Judge James C. Fox.. Signed by Judge James C. Fox on 5/18/2007. CC:counsel, B. Bowen, S. Enyart, S. Schwinn(Deputy Clerk - SE,) (Entered: 05/18/2007)
05/22/2007	<u>9</u>	MOTION to Remand by Richard P. Nordan. (Coats, David) (Entered: 05/22/2007)
05/22/2007	<u>10</u>	Memorandum in Support of <i>Motion to Remand</i> filed by Richard P. Nordan. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5)(Coats, David) (Entered: 05/22/2007)
05/22/2007	<u>11</u>	MOTION to Expedite <i>Hearing or Ruling and Shorten Time to Respond</i> by Richard P. Nordan. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G)(Coats, David) (Entered: 05/22/2007)
05/22/2007	<u>12</u>	Memorandum in Support of <i>Motion to Expedite Hearing or Ruling and Shorten Time to Respond</i> filed by Richard P. Nordan. (Coats, David) (Entered: 05/22/2007)
05/23/2007	<u>13</u>	RESPONSE to <i>Defendants' Motion for Temporary Restraining Order and Preliminary Injunction</i> filed by Richard P. Nordan. (Coats, David) (Entered: 05/23/2007)
05/23/2007	<u>14</u>	Memorandum in Opposition re <u>9</u> MOTION to Remand filed by Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC. (Warner, Kirk) (Entered: 05/23/2007)
05/23/2007	<u>15</u>	ORDER granting in part and denying in part <u>11</u> Motion to Expedite. Plaintiff's request for an expedited hearing on his motion to remand at DE #9 is ALLOWED. Signed by Judge James C. Fox on 5/23/2007. CC:counsel (Deputy Clerk - SE,) Modified on 5/23/2007 to correct the previous entry that the court had ruled on DE #9. The court only allowed the request to hear that motion (Deputy Clerk - SE,). (Entered: 05/23/2007)
05/23/2007		NOTICE OF CORRECTION re: <u>15</u> Order on Motion to Remand, Order on Motion to Expedite; the court has not ruled on the motion to remand itself (DE #9). That entry will be deleted from the docket text at DE #15. The court only ALLOWED/GRANTED the request for an expedited hearing on the motion to remand at DE #9. The motion at DE #9 will be addressed as well as the motion at DE #7 at the 5/24/07 hearing before Judge Fox. (Deputy Clerk - SE,) (Entered: 05/23/2007)
05/23/2007	<u>16</u>	REPLY to Response to Motion re <u>7</u> MOTION for Temporary Restraining Order and <i>Preliminary Injunction and Memorandum in Support</i> filed by Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Warner, Kirk) (Entered: 05/23/2007)
05/24/2007	<u>17</u>	Minute Entry for proceedings held before Judge James C. Fox : Motion Hearing held on 5/24/2007 re <u>9</u> MOTION to Remand filed by Richard P.

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		Nordan,, <u>7</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction and Memorandum in Support</i> filed by Blackwater Security Consulting, LLC, Blackwater Lodge & Training Center, Inc. Counsel for both parties were present for this hearing. Arguments heard in re:jurisdiction and liability in this case. Parties were unable to come to a complete agreement. Stipulation to be filed by the parties on 5/25/07 outlining what they did agree to. Court adjourned at 1:26 p.m. Court Reporter:Stacy Schwinn; Courtroom Deputy:Susan Enyart, Law Clerk:Renee Miller. (Court Reporter Stacy Schwinn.) (Deputy Clerk - SE,) (Entered: 05/24/2007)
05/25/2007	<u>18</u>	NOTICE by Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC <i>of Filing</i> (Attachments: # <u>1</u> Exhibit A) (Warner, Kirk) (Entered: 05/25/2007)
05/29/2007	<u>19</u>	Consent MOTION for Extension of Time to File <i>and Update on Status of Proposed Stipulation</i> by Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Warner, Kirk) (Entered: 05/29/2007)
05/29/2007	<u>20</u>	RESPONSE in Opposition re <u>9</u> MOTION to Remand <i>Supplemental</i> filed by Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC. (Attachments: # <u>1</u> Exhibit 1)(Warner, Kirk) (Entered: 05/29/2007)
05/30/2007	<u>21</u>	ORDER granting <u>19</u> Motion for Extension of Time to File. Defendants have up to and including 6/5/07 in which to respond to pltf's complaint and motion for TRO. Signed by Judge James C. Fox on 5/30/2007. CC:counsel (Deputy Clerk - SE,) (Entered: 05/30/2007)
05/30/2007		Remark - advised Judge Fox's chambers of the notice of filing at DE #18 on this date. (Deputy Clerk - SE,) (Entered: 05/30/2007)
05/31/2007	<u>22</u>	REPLY to Response to Motion re <u>9</u> MOTION to Remand <i>Reply to Defendants' Memorandum of Law in Opposition to Plaintiff's Motion to Remand</i> filed by Richard P. Nordan. (Attachments: # <u>1</u> Exhibit 1)(Coats, David) (Entered: 05/31/2007)
05/31/2007		MOTION TO REMAND at <u>9</u> submitted to Senior Judge Fox for his review and consideration. (Deputy Clerk - SE,) (Entered: 05/31/2007)
06/05/2007	<u>23</u>	ANSWER to Complaint by Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC. (Warner, Kirk) (Entered: 06/05/2007)
06/05/2007	<u>24</u>	Memorandum in Opposition to <i>Motion for Temporary Restraining Order and Preliminary Injunction</i> filed by Blackwater Lodge & Training Center, Inc., Blackwater Security Consulting, LLC. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2) (Warner, Kirk) (Entered: 06/05/2007)
06/13/2007	<u>25</u>	ORDER that this action is DISMISSED and all pending motions are DENIED as moot. The Clerk of Court is DIRECTED to close this case. Signed by Judge James C. Fox on 6/11/2007. CC:counsel (Deputy Clerk

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		- SE,) (Entered: 06/13/2007)
06/13/2007	<u>26</u>	JUDGMENT; IT IS ORDERED AND ADJUDGED that this action is DISMISSED and all pending motions are DENIED as moot. The Clerk of Court is DIRECTED to close this case. Signed by Judge James C. Fox on 6/13/2007. CC:counsel. (Deputy Clerk - SE,) (Entered: 06/13/2007)
06/26/2007		TRANSCRIPT of Proceedings held on May 24, 2007 in Wilmington - Temporary Restraining Order & Preliminary Injunction before Judge James C. Fox, Senior U.S. District Judge. Court Reporter: Stacy Schwinn. (1 Vol) (Deputy Clerk - LE,) (Entered: 06/26/2007)

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